DOCKET NO.: BELL-0073/00349
Application No.: 09/822,913
Office Action Dated: May 19, 2003

PATENT
REPLY FILED UNDER EXPEDITED
PROCEDURE PURSUANT TO
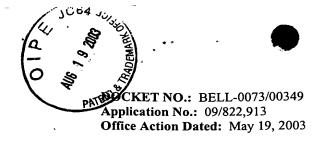37 CFR § 1.116

REMARKS/ARGUMENTS

In response to the Office Action dated May 19, 2003, Applicant respectfully requests reconsideration based on the above claim amendments and the following remarks. Applicant respectfully submits that the claims as presented are in condition for allowance.

Claims 1-3 and 5-9 are pending in the application; claims 1 and 8 are independent claims. As previously submitted, claims 1-3 and 5-9 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. patent 5,459,671 ("Duley").

Duley discloses a programmable battery controller for controlling and monitoring a rechargeable battery (Duley, abstract). The controller includes a microprocessor that communicates with the BIOS, and provides a power control menu that displays battery data and allows a user to define power monitoring characteristics and enable an audible low battery warning (col. 4, 1.62 – col. 6, 1.5).

Applicant's claims, however, recite "providing a battery status indicator to an applications program that includes a user interface to a remote network." The battery status indicator is for integration into the user interface of the applications program.

Applicant respectfully submits that Duley does not teach or suggest providing a battery status indicator to an applications program for integration into its user interface. Indeed, Duley does not teach or suggest providing a battery status indicator to an applications program at all. To the extent that the software running on the microprocessor of Duley can be said to be an applications program at all (and Applicant submits that it is not clear from Duley that such software is an applications program), the software running on the microprocessor clearly does not provide a battery status indicator to a second program for

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integration into a user interface of the second program. Rather, battery status is provided via a user interface provided by the software running on the microprocessor.

By contrast, according to the claimed invention, the battery status indicator is integrated into a user interface to a remote network. Such an integrated battery status indicator allows a user to continuously operate the applications program (*i.e.*, the interface to the remote network), while simultaneously monitoring battery status, without the need to view a separate user interface as required by the system of Duley.

For all the foregoing reasons, Applicant respectfully submits that Duley does not teach or suggest the claimed invention. Applicant respectfully submits, therefore, that the instant claims patentably define over the teachings of Duley, and respectfully requests a Notice of Allowance for claims 1-3 and 5-9.

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Respectfully submitted,

Date: August 19, 2003

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